

**REMARKS/ARGUMENTS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-9 remain pending.

The specification has been amended above to correct minor informalities discovered on review. No new matter has been added.

Claims 3 and 4 were objected to because of noted informalities. Claims 3 and 4 as presented above provide consistent spacing between words. Withdrawal of the objection is solicited.

Original claim 1 was rejected under 35 USC 102(b) as being anticipated by Wayama et al. Applicant respectfully traverses this rejection.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

Claim 1 as amended hereinabove now recites more particularly that the bore portion, projecting wall and projecting portion are integrally molded in one piece to comprise the throttle housing.

As noted in applicant's disclosure, a purpose of the invention was to provide a throttle valve apparatus in which the full open stopper and the full close stopper are downsized while having sufficient strength so that material costs can be reduced and the quality of the throttle housing can be enhanced. In an embodiment of the invention, as recited in claim 1, the projecting portion which integrally includes the full open stopper and the closed stopper is integrally molded along with the projecting wall and the bore portion to comprise the throttle housing. Since both stoppers are formed integrally, load to the full open stopper is shared by the full closed stopper and load to the full closed stopper is shared by the full open stopper. Therefore, the strength of both the full open stopper and the full closed stopper have sufficient strength even though they are downsized. Thus, the material cost can be reduced.

In contrast to the invention recited in claim 1, Wayama teaches a projecting wall (6) that is not integrally molded in the throttle housing, as clearly shown in FIG. 2 thereof. It is therefore respectfully submitted that the combination claimed in claim 1 is not anticipated by Wayama.

In view of the foregoing, it is further respectfully submitted that the invention claimed is not only different from but is not obvious from Wayama. Indeed, the invention claimed provides a substantially more simple configuration than that of the cited reference.

Original claims 2-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wayama et al in view of Torii et al. Claims 2-3 and 9 depend from claim 1 and are submitted to be patentable over Wayama for the same reasons as claim 1. The Examiner's further reliance on Torii does not overcome the deficiencies of Wayama noted above with respect to claim 1.

Claim 4 includes limitations similar to certain limitations of claim 1. For example, claim 4 provides that the bore portion, the projecting wall and the projecting portion are all integrally molded in one piece to comprise the throttle housing. As discussed

with respect to claim 1, this feature of claim 4 is not taught or suggested by Wayama. It is not taught by the secondary reference to Torii et al either.

Claim 4 also recites that the throttle housing is attached to the engine side component, so that one side of the projecting portion, which is opposite from the full open stopper, contacts the engine side component. With respect to this feature of claim 4, the Examiner recites that "with regard to the relative location of the housing with the engine, it is been held that the provision of adjustability, where need, involves only routine skills in the art, *In re Stevens*, 101 USPQ 284 (CCPA 1954)". In the *In re Stevens* decision, the rejected claims were directed to a fishing rod in which the hand grip is universally adjustable with respect to the handle body and the finger grip is longitudinally adjustable. The prior art cited against the claims included patents showing universal couplings between two members, longitudinally adjustable finger grips for fishing reels, and a fishing rod having a grip that is adjustable through a single pivot. In connection with those facts, the CCPA noted "we have in many cases noted that the provision of adjustability, where needed, is not a patentable advance." It is respectfully submitted, however, that the invention and claims under consideration in this case do not relate to making a component "adjustable" in a manner analogous to the facts of *In re Stevens*. On the contrary, the noted feature of claim 4 does not relate to adjustability of the throttle housing or any components thereof, but rather specifies the manner in which the throttle housing is attached to the engine side component, so that one side of the projecting portion contacts the engine side component. Thus, applicant is not providing adjustability but rather specifying a location and position of a component. Furthermore, as explained in greater detail hereinbelow, the structure as specified in claim 4 provides an additional function as compared to the applied art. More specifically, as recited in page 16, lines 8-22 of the original specification, the attachment of the throttle housing to the engine side component allows sharing of the load of the full open stopper of the throttle housing with the engine side components, i.e., the full open stopper reinforcing portion of the intake manifold. Thus, for example, even when a large load is applied from the throttle lever 3 to the full open stopper 33 of

the throttle housing 5, this load can be supported by the full open stopper reinforcing portion 51 of the intake manifold 10. Thus, the full open stopper 33 does not need to have a massive, strong structure to withstand such a large load. This allows a reduction in a size of the full open stopper 33.

It is therefore respectfully submitted that claim 4 does not merely recite an adjustment of the position of the throttle housing, but defines an attachment of the throttle house to the engine side component that provides an additional function of enabling sharing of the load of the full open stopper with the engine side component. This new and advantageous function is not suggested by the prior art of record nor would it be readily apparent to nor discovered through "routine experimentation". It is therefore respectfully submitted that claim 4 and the claims dependent thereon are not only different from the prior art cited by the Examiner but are not obvious from the Examiner's prior art combination.

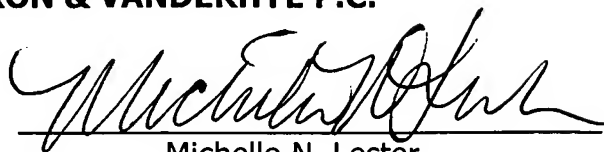
With regard to claim 6, similar to claims 1 and 4, claim 6 provides that the bore portion, the projecting wall and the projecting portion are integrally molded in one piece to comprise the throttle housing. As discussed above, this feature is not taught or suggested in Wayama et al. nor Torii et al, taken alone or in combination. It is therefore respectfully submitted that claim 6 and claim 7 dependent thereon are not anticipated by nor obvious from the applied art.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

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Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

By:

A handwritten signature in cursive script, appearing to read "Michelle N. Lester", written over a horizontal line.

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